

**REMARKS**

Applicant specifically traverses the rejection of claims 35 through 41, 49 and 50, 52, 54, 56, 59, 61 under 35 USC 112 for allegedly being indefinite. In support of the rejection the examiner stated that applicant has not used the term "germinating" in conventional manner and that this result of the claims being indefinite and hence subject to rejection. Additionally, applicant has added two new claims to address this rejection.

Applicant has amended those of the independent claims rejected under 35 USC 112 as mentioned immediately above to obviate that rejection. Specifically, applicant has clarified "germinating" in claims 35, 49, 56 and 61 to use that term in a more conventional fashion. Applicant respectfully solicits reconsideration and withdrawal of the 35 USC 112, second paragraph, rejection of claims 35 through 41, 49, 50, 52, 54, 56, 59 and 61.

The examiner rejected all of the claims that do not specify either corn variety 27-1 or 85089 under 35 USC 112, first paragraph, as being non-enabling for corn variety other than those two. Applicant traverses that rejection and requests reconsideration by the examiner. Applicant respectfully submits that the *Wands* factors in the disclosure are enabling.

Applicant respectfully submits that the references cited by the examiner may not reflect all that the examiner contends in the official action. Reconsideration of those references and the examiner's remarks is respectfully solicited.

Concerning the deposit rejection, applicant's attorney has requested the applicant to provide samples for deposit and has been assured that these will be supplied once the applicant, who divides time between the United States and China, returns to China where applicant's research activities are concentrated. That will occur when warm weather returns to Northern China and, accordingly, applicant respectfully requests deferral of the requirement for a deposit.

In light of the foregoing, applicant respectfully submits that all points raised in the outstanding official action have been addressed to the extent possible at this time and that upon reconsideration of the application in view of the remarks set forth above and upon compliance with the deposit requirement, the application will be in form for allowance. Notification of the same is respectfully solicited.

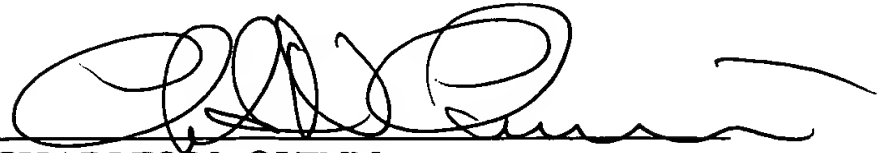
If there is any fee required in connection with the receipt, acceptance and/or consideration of this paper and/or any accompanying papers submitted herewith, please charge all such fees to Deposit Account 50-1943.



ATTORNEY DOCKET: 69415.00101  
PATENT

Respectfully submitted,

Date: 26 March 2007

  
CHARLES N. QUINN  
Registration No. 27,223  
Attorney for Applicant

Fox Rothschild, LLP  
2000 Market Street, 10<sup>th</sup> Floor  
Philadelphia, PA 19103  
Tel: 215-299-2135  
Fax: 215-299-2150  
email: cquinn@foxrothschild.com

**CERTIFICATE OF MAILING  
UNDER 37 C.F.R. 1.8(a)**

I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date indicated below, with sufficient postage, as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
(signature)

BY: Sherry Barag

DATE: March 26, 2007

